

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Charles Gray,

Defendant.

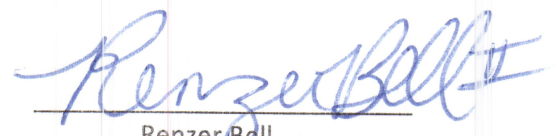
Case No.: 20 CV 01588(JPC)

**NOTICE OF MOTION TO VACATE THE
PLAINTIFF'S DEFAULT, OR FOR
RECONSIDERATION OF THE
DETERMINATION OF THE COURT**

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

PLEASE TAKE NOTICE that upon the attached affidavit of Renzer Bell, affirmed on the __20th__ day of August 2021, and the exhibits attached thereto, and upon all the proceedings in this case to date, the Plaintiff, pro se, Renzer Bell will move this Court, at _____ on the _____ day of _____, at the Daniel P. Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order, pursuant to the applicable Local Civil Rule(s), and Federal Rules of Civil Procedure 59(e), and 60, rescheduling the hearing in order that the Plaintiff may advocate on his behalf as he would have but for the mechanical failure, and the inability to get the court's response to the application for adjournment, and granting such other, and further relief as the Court deems just and proper.

Dated: August 20, 2021



Renzer Bell
5736 Cleveland Road
Jacksonville, Florida 32209

To:

David N. Saponara
Kudman, Trachten, Aloe, Posner, LLP
800 Third Avenue
11th Floor
New York, New York 10022

Plaintiff's motion for reconsideration is denied. "[R]econsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) (citation omitted). Plaintiff provides no basis that would reasonably be expected to change the Court's decision.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED. Date:

August 24, 2021

New York, New York



JOHN P. CRONAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Charles Gray,

Defendant.

Case No.: 20 CV 01588(JPC)

**AFFIDAVIT IN SUPPORT OF MOTION TO
VACATE THE PLAINTIFF'S DEFAULT, OR
FOR RECONSIDERATION OF THE
DETERMINATION OF THE COURT**

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

Renzer Bell, makes the following affirmation under the penalties of perjury:

I, Renzer Bell am Plaintiff in the above titled action, and respectfully move this Court to issue for an Order, pursuant to the applicable Local Civil Rule(s), and Federal Rules of Civil Procedure 59(e), and 60, rescheduling the hearing in order that the Plaintiff may advocate on his behalf as he would have but for the mechanical failure, and the inability to get the court's response to the application for adjournment, and granting such other and further relief as the Court deems just, and equitable.

The reasons why I am entitled to the relief I seek are the following:

- 1) The Plaintiff is informed and believes, and based thereon avers that significant procedural issues in the instant action were decided in the Plaintiff's absence on August 18, 2021.
- 2) The Plaintiff is informed and believes, and based thereon avers that a timely application for adjournment was made to the Court on, or around August 11, 2021.
- 3) That the Plaintiff did not receive a determination from the Court via mail, email, or otherwise in response to the Plaintiff's application for adjournment.
- 4) The Plaintiff is informed and believes, and based thereon avers that the aforementioned application for an adjournment was denied by Hon. Judge Cronan.
- 5) The Plaintiff planned to call the courtroom deputy for Hon. Judge Cronan early on the morning

of August 18, 2021 to determine when the adjourned date was however the Plaintiff became stranded due to the failure of the battery in the automobile driven by the Plaintiff necessitating the Plaintiff to go to have the battery replaced as evinced by Exhibit A.

6) The Plaintiff is informed and believes, and based thereon avers that hearing proceeded without the Plaintiff since the Plaintiff called the chambers of Hon. Judge Cronan to get information, and was informed that the proceedings were in fact on the docket for August 18, 2021.

7) The Plaintiff's absence was beyond the Plaintiff's control, and was unforeseen therefore the Plaintiff seeks an opportunity to advocate for substantive rights that were deliberated on August 18, 2021.

8) The Plaintiff has not previously been dilatory in executing his responsibilities in the instant action.

WHEREFORE, the Plaintiff respectfully seeks leave of this Court for an Order, pursuant to the applicable Local Civil Rule(s), and Federal Rules of Civil Procedure 59(e), and 60, rescheduling the hearing in order that the Plaintiff may advocate on his behalf as he would have but for the mechanical failure, and the inability to get the court's response to the application for adjournment, and granting such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing statements are true and correct.

Affirmed on the 20th day of August, 2021

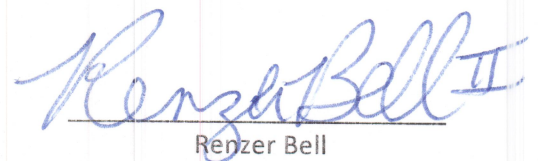

Renzer Bell

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Charles Gray,

Defendant.

Case No.: 20 CV 01588(JPC)

CERTIFICATE OF SERVICE

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

Renzer Bell, makes the following affirmation under the penalties of perjury:

I, Renzer Bell, am Plaintiff in the above titled action, and declare subject to penalty of perjury that on August 20, 2021, I served one (1) true copy each of the annexed Notice of Motion, Affidavit In Support Of Motion, and accompanying exhibits in the following manner:

By delivering the aforementioned documents to a United States Post Office, under the exclusive management and control of the United States Postal Service, addressed to the attorney(s) for the defendants as indicated below:

David N. Saponara
Kudman, Trachten, Aloe, Posner, LLP
800 Third Avenue
11th Floor
New York, New York 10022

Affirmed on the 20th day of August 2021


Renzer Bell